

ROBERT MARINELLI
ATTORNEY AT LAW
305 BROADWAY, SUITE 1001
NEW YORK, NEW YORK 10007
(212) 822-1427
Facsimile (212) 202-9646

June 27, 2016

BY ECF

Honorable Vera M. Scanlon
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Alleyne et als. v. City of New York, et al.*, 15 CV 1860 (WFK)(VMS)

Your Honor:

I am the attorney for plaintiffs in the above-referenced action and write to request that the Court issue an order compelling defendants to produce certain NYPD Documents. I have conferred with defense counsel and we cannot come to an agreement.

Background

On October 30, 2016, Plaintiffs were inside 1346 Prospect Place in Brooklyn, ("1346). During the execution of a search warrant, Defendants claim they found a small amount of marijuana on each Plaintiff.

Newly Discovered Information

Immediately prior to Defendant Wiliur Rahman's June 16, 2016 deposition, Plaintiff learned that a search warrant was concurrently executed at 1333 Prospect Place ("1333"). 1333 and 1346 are three floor row houses located across the street from each other. During the execution of these warrants, approximately 14 people were arrested.¹

Rahman testified that he was the driving force behind each warrant. He gathered intelligence, planned and executed controlled purchases, employed a

¹ Upon information and belief, these arrests resulted in no criminal convictions.

Confidential Informant (C.I.)², and swore out affidavits attesting to his investigation.

During the execution of these warrants, Rahman, as part of a team, forcefully entered entered 1333, searched every room, personally found and secured evidence and arrested approximately eight people.

Upon finishing at 1333, Rahman went to 1349, where he performed similar functions. Upon information and belief, Rahman made sworn allegations against each arrestee in 1346. Additionally, Rahman placed all recovered evidence in “Manila” envelopes with a sheet of pedigree information attached.

Based on this newly discovered information Plaintiffs request the following:

1. The criminal court complaints for each arrestee in 1333 and 1349.³
2. The Arrest Paperwork for each individual arrested in 1333 and 1349 including memo-book entries for each officer, “TAC” plans, and search warrant applications. Examining these documents will allow plaintiff to test the reliability of allegations against plaintiffs, and will likely lead to admissible evidence.
3. A copy of the manila envelopes, and accompanying pedigree sheets, in which Rahman placed recovered contraband.
4. Rahman’s un-redacted memo book for the day of the event.

I thank Your Honor for consideration of these requests.

Yours truly,

/ss/

Robert Marinelli

² Plaintiff will renew certain applications concerning the C.I. when Rahman’s deposition transcript is received.

³ At this juncture, Plaintiffs are not seeking the identities of their co-arrestees.